

Ruth F. Maron

From: Bob G. McCoy <bmc coy@cvlo.com>
Sent: Tuesday, September 27, 2016 11:17 AM
To: Mitch McGuffey
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: RE: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Mitch - The issue needs an answer. I just don't have time this week for an email debate about the stay (two hearings in other case and Marshfield brief now due Friday). My preliminary thoughts are legal issues on appeal should be resolved and preclude further responsive pleadings and briefs as to all parties, but discovery of aging witnesses and documents go forward.

From: Mitch McGuffey [<mailto:Mitch.McGuffey@formanwatkins.com>]
Sent: Tuesday, September 27, 2016 10:17 AM
To: Bob G. McCoy
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: RE: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Bob,

Based on your second request for an extension, it appeared that you have already drafted the Appellants' brief and framed the issues on appeal. With that work done, could you provide us with your position on a stay of the Kilty proceedings?

Thanks,

Mitch McGuffey

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From: Bob G. McCoy [<mailto:bmc coy@cvlo.com>]
Sent: Tuesday, September 20, 2016 9:51 AM
To: Mitch McGuffey
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: RE: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Mitch – I am writing briefs in the Court of Appeals which are due Friday. The issues which are on appeal will be framed after the briefs are filed. That is when I can focus on plaintiff's position on the stay. So no agreement can be made at this time.

From: Mitch McGuffey [<mailto:Mitch.McGuffey@formanwatkins.com>]
Sent: Tuesday, September 20, 2016 9:28 AM
To: Bob G. McCoy
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: RE: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Bob, we have confirmed with counsel for O-I, 3M, and Met Life that they have no objection to our proposed stay.

Will you let us know Plaintiffs' position by the end of the day?

Thanks,

Mitch McGuffey

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From: Bob G. McCoy [<mailto:bmccoy@cvlo.com>]
Sent: Tuesday, September 13, 2016 6:49 PM
To: Mitch McGuffey
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: RE: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Mitch - I have to think this over for a day or two. Do you know the position of OI or 3M?

From: Mitch McGuffey [<mailto:Mitch.McGuffey@formanwatkins.com>]
Sent: Tuesday, September 13, 2016 1:50 PM
To: Bob G. McCoy
Cc: Tanya D. Ellis; Joshua J. Metcalf; Ruth F. Maron
Subject: WI - Kilty v. Weyerhaeuser (16-168) [IWOV-Worksite.FID7562]

Bob,

We are preparing a motion to stay the *Kilty* matter until resolution of the appeals in the other Marshfield cases. Based on the Orders you identified in the notice of appeal, it appears that legal issues relevant, and potentially dispositive, for this case will be addressed on appeal. Additionally, based on Judge Conley's scheduling order from prior cases, it appears the response and reply briefs for any Rule 12 motion in *Kilty* would have return dates fall in the middle of our appellate briefing schedule. We'd like to avoid that for both parties.

With all that in mind, will you agree to a stay until the Seventh Circuit has an opportunity to rule on the appellate issues?

If you'd like to discuss further, let me know, and I'll set up a call tomorrow.

Mitch McGuffey

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